# HARASSMENT OR
# DISCRIMINATION IN EMPLOYMENT

## Because of
• Sex   • Race   • Color   • Ancestry   • Religious Creed
• National Origin   • Disability (including HIV and AIDS)
• Medical Condition (Cancer)   • Age
• Marital Status   • Denial of Family and Medical Care Leave
• Denial of Pregnancy Disability Leave

# IS PROHIBITED BY LAW

The California Fair Employment and Housing Act
(*Part 28* commencing *with Section 12900*) of *Div 3* of *Title 2* of the *Government Code*

- prohibits harassment of employees or applicants and requires employers to take all reasonable steps to prevent harassment.  The prohibition against sex harassment includes a prohibition against sexual harassment, gender harassment and harassment based on pregnancy, childbirth, or related medical conditions.
- requires that all employers provide information to each of their employees on the nature illegality and legal remedies which apply to sexual harassment.  Employers may either develop their own publication, which must meet standards as set forth in *California Government Code Section 12950* or use a brochure which may be obtained from the Department of Fair Employment and Housing.
- requires employers to reasonably accommodate disabled employees or job applicants in order to enable them to perform the essential functions of a job.
- permits job applicants and employees to file complaints with the Department of Fair Employment and Housing (DFEH) against an employer, employment agency or labor union which fails to grant equal employment as required by law.
- requires employers not to discriminate against any job applicant or worker in hiring, promotions, assignments, or discharge.  On-the-job segregation is also prohibited and employers may file complaints against workers who refuse to cooperate in compliance.
- requires employers, employment agencies and unions to preserve applications, personnel and employment referral records for a minimum of two years.
- requires employers to provide leaves of up to four months to employees disabled because of pregnancy, maternity or childbirth.
- requires employers of 50 or more persons to allow employees to take up to 12 weeks leave in any 12-month period for the birth of a child, the placement of a child for adoption or foster care for an employee's own serious health condition, or to care for a parent, spouse or child with a serious health condition.
- requires employment agencies to serve all applicants equally; to refuse discriminatory job orders to refrain from prohibited pre-hiring inquires or help wanted advertising.
- requires unions not to discriminate in member admissions or dispatching to jobs.
- forbids any person to interfere with efforts to comply with the act.  Authorizes DFEH to work affirmatively with cooperating employers to review hiring and recruiting practices in order to expand equal opportunity.

**REMEDIES TO INDIVIDUALS, OR PENALTIES FOR VIOLATION MAY INCLUDE**:
Hiring, back pay, promotion, reinstatement, damages for emotional distress, cease-and-desist order, or a fine of up to $50,000

JOB APPLICANTS AND EMPLOYEES.  If you believe you have
Experienced discrimination, DFEH will investigative without cost to you.

For information contact the Department of Fair Employment and Housing

TOLL FREE 1-800-884-1684

TDD Numbers:
Los Angeles:  (213) 897-2840
Sacramento:  (916) 324-1678

This notice must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency,
waiting rooms, union halls, etc.  For a copy contact the nearest DFEH office.

**The Fair Employment and Housing Act Specifics:**

- Prohibits discrimination in all aspects of employment including hiring, termination, and terms and conditions.
- Prohibits harassment of employees or applicants and requires employers to take all reasonable steps to prevent harassment from occurring.
- Requires that all employers provide information to each of their employees describing the forms of sexual harassment, its illegality, the internal and external complaint processes and legal remedies.
- Requires employers to reasonably accommodate employees or job applicants with disabilities in order to enable them to perform the essential functions of the job.
- Requires employers to provide leaves of up to four months to employees disabled because of pregnancy or childbirth.
- Requires an employer to provide reasonable accommodations requested by an employee, with the advice of her health care provider, related to her pregnancy, childbirth, or related medical conditions.
- Requires employers of 50 or more persons to allow eligible employees to take up to 12 weeks leave in a 12-month period for the birth of a child, the placement of a child for adoption or foster care, for an employee's own serious health condition, or to care for a parent, spouse, or child with a serious health condition. (Employers are required to post a notice informing employees of their family and medical leave rights.)
- Requires employment agencies to serve all applicants equally; to refuse discriminatory orders; to refrain from prohibited pre-employment inquiries or advertising.
- Prohibits retaliation against any person who has filed a complaint with the Department, participated in a Department investigation or opposed any activity prohibited by the Act.

**The law provides for a variety of remedies, which may include:**

- Hiring,
- Back pay,
- Promotion,
- Reinstatement,
- Cease and desist orders,
- Damages for emotional distress,
- Reasonable attorney's fees and costs,
- Expert witness fees, and/or
- Administrative Fines and Court Ordered Punitive Damages.

Persons who believe they have experienced employment discrimination may file a DFEH complaint. Complaints must be filed within one year from the date of the alleged discrimination.

Persons wishing to file a lawsuit directly in a court must obtain a "right-to-sue" from DFEH. For information on this process, call the toll-free number listed below.

**Within California:**
   1 (800) 884-1684
   1 (800) 700-2320 TTY

**Outside California:**
   (916) 227-0551